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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,307	10/31/2003	Glenn A. Hamblin	5402.006	5454

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EXAMINER

LEE, WILSON

ART UNIT PAPER NUMBER

2821

DATE MAILED: 08/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/700,307

Applicant(s)

HAMBLIN, GLENN A.

Examiner

Wilson Lee

Art Unit

2821

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-22, 29 and 30 is/are rejected.
- 7) ☒ Claim(s) 4, 23-28, 31 and 32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/31/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Objections

Claims 1-32 are objected because of the following informalities:

Regarding Claims 1-32, all the capital letters except for the first word on the first line should be changed to lower case. Claim should start from one capital letter and end at a period.

Claim Rejections – 35 U.S.C. 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Ferraro (6,320,506).

Regarding Claim 1, Ferraro discloses an emergency lighting battery system comprising:

- a battery (battery pack 154);
- a processing circuit (20);
- a multi-voltage power circuit ((T1, D1, C1) (See Col. 5, line 66 to Col. 6, line 2);
- an occupation awareness sensor (motion detector 621).

Regarding Claim 2, Ferraro discloses a current sensor (See Abstract, line 11) and a voltage sensor (See Col. 9, line 48).

Claims 1, 29, 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Crisafulli et al. (5,376,925).

Regarding Claim 1, Crisafulli discloses an emergency lighting battery system comprising:

- a battery (See Col. 6, line 21);
- a processing circuit (12);
- a multi-voltage power circuit (52) (multiple voltages adjuster) (See Figure 4);
- an occupation awareness sensor (20).

Regarding Claim 29, Crisafulli discloses a switch (16) and an external data transmission system (24).

Regarding Claim 30, Crisafulli discloses that the external data transmission system comprises a radio transmitter (See Figure 1).

Claim Rejections – 35 U.S.C. 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ferraro (6,320,506) in view of Gilmartin et al. (5,406,129).

Regarding Claim 3, Ferraro essentially discloses the claimed invention but does not explicitly disclose a lighted push-button test switch. However, Gilmartin teaches a flashing switch for lamp operation test (See Col. 1, lines 50-55 of Ferraro and Gilmartin).

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It would have been obvious to one of ordinary skill in the art to provide a lighted test switch in Ferraro in order to provide a testing operation since operation testing has been widely used in the art.

Claims 1 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katyl et al. (5,519,289) in view of Ferraro (6,320,506).

Regarding Claim 1, Katyl discloses an emergency lighting battery system comprising:

- an AC power (90);
- a processing circuit (100);
- a multi-voltage power circuit (300a) (voltage supplies to a plurality of lamps);
- an occupation awareness sensor (motion detector 710, 712) (See Figure 8).

As discussed above, Katyl essentially discloses the claimed invention but fails to disclose a battery. However, Ferraro discloses a battery for supplying voltage to the lamps. It would have been obvious to one of ordinary skill in the art to provide battery supply in Katyl as taught by Ferraro in order to render portability in Katyl. Further, merely changing the power supply to battery in any circuit including Katyl does not render any novelty and unexpected results.

Regarding Claim 29, Katyl discloses a switch (154) and an external data transmission system (external means, dimming network) (See Col. 8, lines 11-20).

Claims 5-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferraro (6,320,506) in view of Noguchi et al. (6,307,332).

Claims 5-22, Ferraro discloses the claimed invention but does not explicitly disclose the components of the CPU as disclosed in Claims 5-22. However, all these components are well known components widely used in any CPU or microcontroller to any skilled in the art. For example, Noguchi discloses a CPU comprising watch dog timer, memory chip, RAM, PROM, clock. It would have been obvious to one of ordinary skill in the art to provide a CPU in Ferraro to control the light illumination in order to render accurate output.

Allowable subject matter

Claims 4, 23-28, 31-32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Crenshaw (6,828,733) discloses a remote lamp control apparatus comprising a lamp ballast, a switch control and a remote control but fails to disclose a occupant awareness sensor. Marman et al. (6,624,750) discloses a wireless home fire and security alarm system but fails to disclose a no multi-voltage power circuit.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Wilson Lee whose telephone number is (571) 272-1824.

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Papers related to Technology Center 2800 applications may be submitted to Technology Center 2800 by facsimile transmission. Any transmission not to be considered an official response must be clearly marked "DRAFT". The official fax number is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Wilson Lee", is written over a horizontal line.

Wilson Lee
Primary Examiner
U.S. Patent & Trademark Office

8/17/05